

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No. 05-185 E

JANET MARIE BEATTY,

Defendant.

MOTION TO VACATE JUDGMENT

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

LORI A. GIBSON, ESQUIRE
PA I.D. #68013
DEBORAH R. ERBSTEIN, ESQUIRE
PA I.D. #86470

Bernstein Law Firm, P.C.
Firm #718
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
412-456-8100
BERNSTEIN FILE NO. F0057261

NOTICE

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT
TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED
FOR THAT PURPOSE**

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No. 05-185 E

JANET MARIE BEATTY,

Defendant.

MOTION TO VACATE JUDGMENT

AND NOW, comes Plaintiff, United States Of America (hereinafter "Plaintiff"), by and through its counsel, Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania and the Bernstein Law Firm, P.C., private counsel to the United States of America and files the within Motion to Vacate Judgment, as follows:

1. Plaintiff is a sovereign corporation.
2. Defendant, Janet Marie Beatty (hereinafter "Defendant"), is an adult individual whose last known address is 9733 Franklin Pike, Meadville, PA 16335.
3. The instant action was instituted by the filing of a Complaint in Mortgage Foreclosure on June 14, 2005 on the subject premises located at 9733 Franklin Pike, Meadville, PA 16335.

4. Defendant was mailed a copy of the Complaint and a Notice of Lawsuit and Request for Waiver of Service of Summons. Defendant executed and returned the Waiver of Service of Summons on June 18, 2005.

5. Plaintiff subsequently sent a ten-day notice pursuant to PA R.C.P. 237.1 and entered a Default Judgment on November 8, 2005.

6. On or about November 6, 2006, the Defendant cured her mortgage arrears.

WHEREFORE, Plaintiff, United States Of America, requests that this Honorable Court enter an Order vacating the Default Judgment against the Defendant and permitting Plaintiff to discontinue the action, without prejudice, to re-file in the event of any future defaults.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: 

Lori A. Gibson, Esquire

Deborah R. Erbstein, Esquire

Attorneys for Plaintiff

Suite 2200 Gulf Tower

Pittsburgh, PA 15219

(412) 456-8100

BERNSTEIN FILE NO. F0057261